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April 10, 2006

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The Honorable Gregory M. Sleet  
United States District Court  
844 King Street  
Wilmington, DE 19801

RE: Pagonakis v. Express, LLC  
C.A. No.: 06-027-GMS

Dear Judge Sleet:

Pursuant to your Order of April 5, 2006, the plaintiff submits the following status report.

1. Jurisdiction and Service: The defendant has admitted jurisdiction and service.
2. Substance of the Action: This case asserts claims for discrimination under the American's With Disabilities Act, retaliation under the Americans With Disabilities Act, and the Family Medical Leave Act.
3. Identification of Issues: Whether the defendants discriminated under the ADA, and retaliated under the ADA and FMLA. The defendant suggests that the plaintiff was not disabled within the terms of the ADA.
4. Narrowing of Issues: Not possible.
5. Relief: Plaintiff seeks monetary damages, attorney fees, costs, and injunctive relief.
6. Amendment of Pleadings: None anticipated, except the defendant wants the caption changed to conform to the defendant's correct name.

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7. Joinder of Parties: None.
  8. Discovery: The plaintiff anticipates using interrogatories, requests for production, requests for admissions, and depositions. Plaintiff would estimate a discovery period of 180 days.
  9. Estimate Trial Length: 4 days.
  10. Jury Trial: Plaintiff has requested a jury trial.
  11. Settlement: There have been no settlement discussions to date. Plaintiff welcomes referral of this matter to the Magistrate for mediation.
  12. Other Matters: None at this time.
  13. The Parties Have Conferred Concerning the Above Matters: Yes.
- Thank you for Your Honor's consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'G. Aber', with a long horizontal line extending to the left.

Gary W. Aber

GWA/mac

cc: David Campbell, Esquire  
Jason Ehrenberg, Esquire  
Francis Peleggi, Esquire